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In the Supreme Court of the United States

OCTOBER TERM, 1937

No. 146

THE UNITED STATES OF AMERICA, PETITIONER

v.

RALPH RAYNOR

No. 147

THE UNITED STATES OF AMERICA, PETITIONER

v.

CHETT FOWLER

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

BRIEF FOR THE UNITED STATES

OPINIONS BELOW

No opinion was rendered by the trial court. Its charge to the jury appears at R. 72–80. The opinion of the Circuit Court of Appeals (R. 105–111, 117–122) is reported in 89 F. (2d) 469.

JURISDICTION

The judgments of the Circuit Court of Appeals were entered March 23, 1937 (R. 111, 122). A petition for rehearing was denied May 11, 1937 (R. 112, 123). The petition for writs of certiorari

was filed June 15, 1937, and granted October 11, 1937 (R. 125). The jurisdiction of this Court is conferred by Section 240 (a) of the Judicial Code as amended by the Act of February 13, 1925. See also Rule XI of the Rules of Practice and Procedure in Criminal Cases, promulgated by this Court May 7, 1934.

QUESTION PRESENTED

Whether the provisions of Section 150 of the Criminal Code, under which the respondents were convicted, relate only to genuine Government paper or paper which the Government would use in the printing of its own obligations and securities.

STATUTE INVOLVED

Section 150 of the Criminal Code (U. S. C., Title 18, Section 264), so far as pertinent, provides:

> * * * whoever shall have or retain in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be fined not more than $5,000, or imprisoned not more than fifteen years, or both.[1]

[1] The section as a whole is printed in the Appendix at pp. 57–59.

STATEMENT

The respondents were convicted in the District Court of the United States for the Southern District of Indiana under the second count of an indictment charging that they "on or about the 9th day of October, 1936, after a distinctive paper had been adopted by the Secretary of the Treasury of the United States for the obligations and other securities of the United States, did then and there unlawfully, wilfully, knowingly, and feloniously have in their possession * * * similar paper adapted to the making of such obligations and other securities, without the authority of the Secretary of the Treasury or any other proper officer of the United States" (R. 3, 7).

A motion for new trials was overruled (R. 10). Respondent Raynor received a sentence of four years imprisonment and respondent Fowler a sentence of two years imprisonment (R. 10). On appeal, the Circuit Court of Appeals for the Seventh Circuit reversed the judgments of the District Court and remanded the causes, one judge dissenting (R. 105–111, 117–123). Thereafter a petition by the Government for rehearing was denied (R. 112, 123).

There was testimony which, if believed by the jury, established the following facts:

In 1928 the Secretary of the Treasury adopted a distinctive paper for the printing of Government obligations and securities. This paper is manu-

factured by a private concern on annual contract with the Government. As soon as it comes off the machine, it is placed under guard, cut to the size specified by the Government, put in sealed wooden cases, transferred to freight cars, which are also sealed, and delivered to the Paper Custodian at the Treasury Department in Washington. The process of transfer is all made under guard. Neither before nor after the distinctive paper is delivered to the Bureau of Engraving and Printing at Washington does the Secretary of the Treasury allow any of this paper to be distributed to private individuals. No one is permitted to have this paper in this country except the Government. A sample of this distinctive paper was introduced as Government's Exhibit 28. (R. 52, 53.)

Government's Exhibit 3 is the paper found in the possession and control of the respondents and upon which the second count of the indictment was predicated (R. 22, 30, 32). Both Exhibits 3 and 28 are high grade rag bond paper (R. 31, 53, 70), of approximately the same thickness, gloss, opacity and rattle (R. 53), with color nearly matching (R. 69), of practically the same weight (R. 49, 70), with a similar feel and crackle (R. 31), with about the same toughness and tearing resistance (R. 56), and with the same crinkle (R. 48).

Impregnated and distributed throughout Exhibit 28 are short fine red and blue silk fibers in the form of curls (R. 47), which are visible to the

naked eye (R. 32, 53). Without careful examination they resemble red and blue lines (R. 53). In Exhibit 3 the red and blue curls which resemble the impregnated short fine silk fibers of Exhibit 28 are merely surface markings (R. 32, 51, 64). But these surface markings, to the naked eye, are similar to and approximate the appearance of red and blue silk fibers (R. 47, 48, 54), although apparently not as plentiful (R. 70).

Exhibit 3 was cut to the size of the genuine United States currency (R. 30, 31). A defense witness testified that the average man could probably not distinguish Exhibit 3 from Exhibit 28 (R. 70).

A Government witness, a chemist and paper analyst, testified that, from his experience since he had been with the Treasury Department analyzing paper, he was of the opinion that Exhibit 3 was such a paper that if it were taken to the Bureau of Engraving and Printing in Washington and there printed into a twenty dollar Treasury note, it would pass as currency in the general trade of the country (R. 54).

It is evident also that the respondent Raynor thought that Exhibit 3 would pass as Government paper for he told one Government witness that he and his co-respondent had "official Government paper" (R. 16). To another Government witness he stated that the paper was "genuine Government paper" (R. 22, 25, 32), and that if the witness

would "let the light reflect off of it, and then you will see the red and blue lines which are a distinguishing feature of genuine Government paper" (R. 23).

Both Exhibits 3 and 28 were exhibited to the jury for comparison (R. 62).[2]

Respondents contended in the District Court that the only paper which came within the purview of the provisions of the statute under which they were convicted was paper which was "exactly like" the distinctive paper adopted by the Government (R. 79).[3]

As is evident from its charge to the jury, the District Court took the position, in accordance with the Government's contention, that the statute does not require that the paper must be "identical" with that adopted by the Government, that it was not necessary that the paper contain threads in it but only that it be similar to the distinctive Government paper, and that "It might be similar and have

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[2] Government's Exhibit 28 does not appear among those exhibits certified by the Clerk of the Circuit Court of Appeals to this Court because the Government chemist who produced it when called as a Government witness was allowed to take the paper with him when he returned to Washington (R. 62).

[3] As appears from the respondents' assignment of errors below (R. 89–92), the question of the construction of the statute was apparently raised in the trial court by exceptions to certain testimony (R. 61), to the refusal of the trial judge to direct a verdict in favor of the respondents (R. 62), and to certain portions of the charge to the jury (R. 75).

markings on it which would lead one to believe that it is the genuine paper as adopted by the Secretary of the Treasury" (R. 76–77).

On appeal the Circuit Court of Appeals for the Seventh Circuit, one judge dissenting, reversed the judgments of conviction. It held (R. 105–110)[4] that the paper in the possession of the respondents was not covered by the statute because it was not "adapted to the making of genuine obligations" of the United States, since it did not contain red and blue silk fibers, a feature of the distinctive Government paper. In reaching this conclusion the court stated that Congress was "striking at the evil of someone unlawfully coming into possession of the genuine government paper" (R. 108). The dissenting judge in the Circuit Court of Appeals was of the opinion, however, that the construction given the statute by the majority was strained and did violence to the intent of Congress. Interpreting the provisions in question in the light of the remaining provisions of Section 150 of the Criminal Code, the dissenting judge stated that the "legislative body, manifestly, was dealing with the possession of articles capable of use in counterfeiting obligations of the United States which might deceive the ordinary citizen to whom such counter-

[4] The opinion of the Circuit Court of Appeals is printed at two places in the Record—R. 105–111 and R. 117–122. Whenever we hereafter refer to that opinion our reference is to the opinion as printed at R. 105–111.

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feits might come," and that, consequently, he was of the view that the "forbidden article was meant to include all fabrications of such similitude to official paper as, when used, might easily deceive, not the expert, but every day business men or other citizens amongst whom the criminal hopes to circulate counterfeits" (R. 110–111).

SPECIFICATION OF ERRORS TO BE URGED

The Circuit Court of Appeals for the Seventh Circuit erred:

(1) In construing the provisions of the statute under which the respondents were convicted as relating only to genuine Government paper or paper which the Government would use in the printing of its own obligations and securities.

(2) In holding that the statute did not apply to any paper not impregnated with red and blue silk fibers, however similar in appearance this paper might be to the genuine Government paper.

(3) In reversing the judgments of the District Court of the United States for the Southern District of Indiana.

SUMMARY OF ARGUMENT

It is the position of the Government that the statutory provisions under which the respondents were convicted are broad enough to include any paper which, by reason of its characteristics, so resembles the distinctive Government paper that an ordinary individual would, because of such resemblance, be led to believe that a counterfeit

made upon such paper is a genuine obligation or security of the United States. The court below, however, held that the instant provisions covered solely the distinctive Government paper, i. e., the distinctive paper upon which the Government would print its genuine and valid obligations and securities.

The court below in reaching its holding not only disregarded the ordinary meaning and significance of the word "similar" as "having a more or less marked resemblance", but it treated it as stricken because of its interpretation of the modifying phrase "adapted to the making of any such obligation or other security." The court also attempted to fortify its conclusion by reference to the words "except under authority of the Secretary of the Treasury or some other proper officer of the United States," declaring that "No one would have occasion to request or receive authority from such public officials to possess any paper unless it were the genuine paper of the government."

The Government, however, submits that the word "similar" must be given its ordinary meaning and significance; that the modifying phrase "adapted to the making of any such obligation or other security" must be construed in harmony with the context and the end in view; that its legitimate function and its permissible field of operation lies in preventing the word "similar" from being unnecessarily broad and indefinite, and that this phrase so qualifies "similar" as to create a stand-

ard which will guide a jury in determining whether under a given state of facts a paper possesses that degree of similarity to the distinctive Government paper that an ordinary individual would, because of such similarity, be led to believe that a counterfeit made upon such a paper is a genuine obligation of the United States.

The Government further contends that the words "except under authority of the Secretary of the Treasury or some other proper officer of the United States", were inserted for the sole purpose of setting forth the only evidence capable of rebutting the presumption of guilt arising from the bare custody and possession of the prohibited paper and has no bearing upon the reach of the instant provisions. This contention is corroborated by the Congressional intent as revealed by the legislative history. The factors which gave rise to this statutory presumption are developed in the discussion of the legislative history of the instant provisions.

The court below not only disregarded the ordinary meaning of the words found in the statute but also disregarded the Congressional intent as indicated by the legislative history of the instant provisions. It was apparently unaware of this legislative history, in view of the absence of any reference thereto either in the the briefs submitted to it or in its opinion. Nor were there any references to or in the opinion rendered by the legislative history in the briefs submitted to the Circuit Court of Appeals for the Second Circuit in the case of

Krakowski v. *United States*, 161 Fed. 88, followed by the court below.

The legislative history establishes that the instant provisions were designed to combat counterfeiting in its very earliest steps, including the custody and possession of imitations and counterfeits of the distinctive Government paper. This is made manifest by the progressively more inclusive penal provisions, beginning with the Act of 1837 (*infra*, pp. 20–21), and by the express declaration in the Act of 1863 (*infra*, p. 22) that the penal provisions should "extend and apply to all persons who shall imitate, counterfeit, make, or sell any paper such as that used, or provided to be used, for the fractional notes." The provisions of the 1863 Act were rephrased more succinctly, but without any intention to narrow their scope, in the Act of 1864 (*infra*, pp. 23–24), which constitutes their present form.

This Act of 1864, passed at a period when for the first time hundreds of millions of dollars of paper money were put into general circulation, also deleted the requirement of *mens rea* and established the statutory presumption to which we have above referred. Shortly thereafter further measures toward the suppression of counterfeiting were taken through increased appropriations and the establishment of the Secret Service Division of the Treasury Department.

The court below, in following the *Krakowski* case, adopted not only the erroneous view that "the primary object of the statute was to prevent per-

sons from having in their possession, without authority, the distinctive government paper", but also apparently the analogy drawn in the *Krakowski* opinion to an English statute which had denounced as a misdemeanor the unauthorized possession of the distinctive English Government paper. Neither the opinion in the *Krakowski* case nor the briefs submitted to that court, however, referred to that provision in the English statute which denounced as a felony the custody and possession of imitations of the distinctive English Government paper, and which, we submit, is more analogous to the instant provisions.

The instant provisions, we contend, like all the other provisions in Section 150 of the Criminal Code, are directed against the making and possession of implements and materials useful in counterfeiting. Since the distinctive Government paper is almost never used in the making of counterfeits, the construction adopted by the court below vitiates the intent of Congress to eradicate counterfeiting.

There is no support for the respondents' contention that there has been an acceptance either by Congress or by the Executive Departments of the construction given the instant provisions in the *Krakowski* decision.

ARGUMENT

THE STATUTORY PROVISIONS INVOLVED ARE BROAD ENOUGH TO INCLUDE ANY PAPER WHICH, BY REASON OF ITS CHARACTERISTICS, SO RESEMBLES THE DISTINCTIVE GOVERNMENT PAPER THAT AN ORDINARY INDIVIDUAL WOULD, BECAUSE OF SUCH RESEMBLANCE, BE LED TO BELIEVE THAT A COUNTERFEIT MADE UPON SUCH PAPER IS A GENUINE OBLIGATION OF THE UNITED STATES, NOTWITHSTANDING THAT SUCH PAPER DOES NOT CONTAIN THE IMPREGNATED RED AND BLUE SILK FIBERS OF THE DISTINCTIVE GOVERNMENT PAPER

Respondents contend that the statutory provisions under which they were convicted were designed to punish only those who possess and control the distinctive Government paper, i. e., the distinctive paper upon which the Government prints its obligations and securities.

The Government contends, on the contrary, that the words in the instant provisions which describe the prohibited paper as "any similar paper adapted to the making of any such obligation or other security" should not be limited solely to the distinctive paper. It is the Government's further contention that the court in so construing these words not only deprived the word "similar" of its ordinary meaning but also proceeded in its reasoning as though the word "similar" had been stricken. The court so declared because of its interpretation of the phrase "adapted to the making of any such obligation or other security" which, we submit, simply modifies "any similar paper."

The opinion recognizes that (R. 107):

> Webster defines the word "similar" to mean "nearly corresponding, resembling in many respects, somewhat like." Winston's simplified dictionary says, "having a more or less marked resemblance or correspondence to one another or to something else, analogous, like but not exactly the same, of the same nature."

While the court acknowledged, therefore, that the word "similar" does not import "exactly alike" (R. 107), it nevertheless held that the only paper falling within the purview of the instant statutory provisions is the distinctive paper which the Government would use in the making of its genuine and valid obligations and securities. It accordingly decided that the paper found in the possession of the respondents was not covered by the instant provisions solely because it did not contain the impregnated red and blue silk fibers, a feature of the distinctive paper, although the opinion concedes that the jury, under the instructions of the trial court, was justified in finding that the paper in question was "similar" to the distinctive Government paper (R. 107).

1. It is apparent (R. 110) that the court's construction of the statutory provisions in question was influenced by the decision of the Circuit Court of Appeals for the Second Circuit in *Krakowski* v. *United States*, 161 Fed. 88. The holding of that

court that the statute prohibits only "the unauthorized possession of government paper" or the unauthorized possession of "paper which could be used for printing government securities" was predicated upon its belief "that the primary object of the statute was to prevent persons from having in their possession, without authority, the distinctive government paper." That court, therefore, was of the view that the statute was designed to accomplish the same purpose as the English statutory provisions to which it referred (24 & 25 Vict., c. 98, § 11).[5] It will be observed, however, that these statutory provisions manifestly covered only the unauthorized purchase, receipt, custody, or possession of the specific paper manufactured for use by the British Government in the printing of its own obligations. It did not purport to cover any

[5] This section provides:

"Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall purchase or receive, or knowingly have in his Custody or Possession, any Paper manufactured and provided by or under the Directions of the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury, for the Purpose of being used as Exchequer Bills or Exchequer Bonds or Exchequer Debentures, before such Paper shall have been duly stamped, signed, and issued for Public Use, or any such Plate, Die, or Seal as in the last Two preceding Sections mentioned, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour."

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paper "similar" to the British Government paper. Indeed, "similar" paper was covered by another section of the same statute (24 & 25 Vict., c. 98, §10).[6] The unauthorized possession of an imitation of the British Government paper was made a felony, whereas the unauthorized possession of the British Government paper was declared to be merely a misdemeanor.

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[6] This section provides:

"Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall make, or cause or procure to be made, or aid or assist in making, any Paper in the Substance of which shall appear any Words, Letters, Figures, Marks, Lines, Threads, or other Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for such Exchequer Bills, Bonds, or Debentures, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, or shall knowingly have in his Custody or Possession any Paper whatsoever, in the Substance whereof shall appear any such Words, Letters, Figures, Marks, Lines, Theads, or Devices as aforesaid, or any Parts of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, or shall cause or assist in causing any such Words, Letters, Figures, Marks, Lines, Theads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, to appear in the Substance of any Paper whatever, or shall take or assist in taking any Impression of any such Plate, Die, or Seal as in the last preceding Section mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement."

Another fundamental error in the *Krakowski* decision lies in the view of the court that if the word "similar" in the statutory provisions involved is given its acknowledged meaning of "having a more or less marked resemblance" there would be excluded from the purview of such provisions the distinctive Government paper itself. But certainly if paper which has a more or less marked resemblance to the distinctive Government paper is included in the ambit of the statute, *a fortiori* the distinctive Government paper would be within its scope.

Moreover, the view expressed by the court below in the instant decision and by the Circuit Court of Appeals for the Second Circuit in the *Krakowski* decision, that the statutory provisions in question were directed solely at the unauthorized possession or control of the distinctive Government paper gives no heed to the legislative history of those provisions, of which those courts were apparently unaware.[7] The divergence of opinion among the various judges who have been called upon in this and the *Krakowski* cases to construe the statutory provisions involved,[8] makes it manifest that those pro-

[7] Neither in the *Krakowski* case nor in the instant case was the legislative history referred to in the briefs submitted to the Circuit Court of Appeals, nor was it alluded to in the opinion of those courts.

[8] In this and the *Krakowski* cases, two district judges and a circuit judge decided in favor of the Government, while one district judge and four circuit judges decided against the Government.

visions require construction, and hence warrants resort to the legislative history thereof, including the enactments progressively embracing the operations commonly incident to the earlier steps in counterfeiting, among which was the imitation and counterfeiting of the paper adopted by the Government for the printing of its obligations. See *United States* v. *Katz*, 271 U. S. 354, 357; *Prussian* v. *United States*, 282 U. S. 675, 678.

2. Resort to the legislative history discloses that Congress sought to bring within the scope of the section in which the provisions in question appear all of the operations incident to counterfeiting, whether such operations occur in the later or the earlier stages of the process. The legislative history also indicates that in reaching the earliest stages of the counterfeiting operation Congress intended not only to prevent the unauthorized control and possession of the distinctive Government paper but also the unauthorized control and possession of imitations and counterfeits of the distinctive paper. When this legislative history is considered in the light of the fact that counterfeit money is almost never made on the distinctive Government paper because it is well nigh impossible to obtain it (R. 52–53), a fact of which it is fair to assume that Congress was cognizant, it follows that the court below gave too narrow a construction to the statutory provisions involved when it restricted them solely to the distinctive Government paper.

The first Federal counterfeiting statute was the Act of April 30, 1790 (*infra,* p. 36).[9] It reached only the counterfeiting and uttering of certificates, indents or other public securities of the United States. The Act of June 30, 1812 (*infra,* pp. 36–37), which for the first time authorized the issuance of Treasury notes, also contained penal provisions similarly limited to the final stages of the counterfeiting process, i. e., the actual counterfeiting and uttering of counterfeited Treasury notes. The reach of this legislation was not materially enlarged in the enactments of February 25, 1813, March 4, 1814, December 26, 1814, and February 24, 1815 (*infra,* pp. 37–40). Beginning, however, with the Act of October 12, 1837 (*infra,* pp. 40–42), certain of the earlier steps of the counterfeiting process, such as the engraving and possession of plates and the possession of paper to be used in counterfeiting, were included within the scope of the legislation; and thereafter, by repeated enactments, there resulted such a progressive inclusion of the earlier stages of the counterfeiting operation as to cause a Special Joint Congressional Committee on Revision of Laws, at the time the legislation was incorporated in the Criminal Code as Section 150, to state in its report that:

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[9] This and all subsequent counterfeiting statutes referred to in the discussion of the legislative history are set forth in the Appendix (*infra,* pp. 36–62) in chronological order.

> This section [Criminal Code, Sec. 150; now U. S. C. Title 18, Sec. 264] is broadened so as to embrace every method which may be employed in counterfeiting the obligations of the United States, and its provisions are extended so as to apply in any place under the jurisdiction of the United States.[10]

Viewing the particular statutory provisions here involved in the light of this general background, disclosing the purpose of Congress expressly to penalize all of the steps in the counterfeiting process, it may be pointed out that these provisions had their genesis in Section 11 of the Act of October 12, 1837, *supra,* which, as stated, was the first of the series of enactments by which Congress sought to broaden its prior legislation by including not only the final stages of counterfeiting, but also some of the earlier stages thereof. As these provisions appeared in the Act of 1837 (*infra,* pp. 41–42) they read:

> That if any person * * * shall have in his custody or possession any paper *adapted to the making of* [Treasury] *notes, and similar to the paper upon which any such notes shall have been issued,* with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the

[10] Sen. Rep. No. 10, Pt. 1, p. 19, 60th Cong., 1st Sess.: House Rep. No. 2, Pt. 1, p. 19, 60th Cong., 1st Sess.

> notes issued as aforesaid; every such person * * * shall be sentenced * * * for a term not less than three nor more than ten years, and be fined in a sum not exceeding five thousand dollars. [Italics ours.]

It is obvious that in the foregoing provision Congress was striking not only against possession and custody of the precise kind of paper on which the Government printed Treasury notes, but also against possession and control of any "similar" paper. When the underlying purpose of dealing a blow at counterfeiting is kept in mind, it would seem that the only reasonable interpretation which could be given these provisions is that they were meant to discourage the possession of any paper so exhibiting the characteristics of the paper used by the Government in printing Treasury notes as to make it suitable for counterfeits which when placed in general circulation would be accepted as genuine by the average individual.

By the Act of February 25, 1862 (*infra*, pp. 46–49) "bonds, coupons, or other securities" were included within the scope of the penal provisions, together with additional earlier steps in the counterfeiting process.

The conclusion that Congress was seeking to outlaw not only the possession and custody of paper which the Government would use in the printing of its genuine obligations but also the imitations and counterfeits of such paper, is fortified by the

Act of March 3, 1863 (*infra,* pp. 50–51), which, passed during a critical period of the Civil War, for the first time authorized the issuance of fractional currency. This statute, in adopting the penal provisions of the Act of February 25, 1862, relating to "notes, bonds, coupons, or other securities," expressly provided that those provisions should "*extend and apply to all persons who shall imitate, counterfeit, make or sell any paper such as that used, or provided to be used, for the fractional notes.*" [Italics ours.] This provision did not, we submit, constitute an extension of the purview of the early penal provisions. It was intended by Congress as a precautionary measure [11] to insure that those provisions should be construed as prohibiting the imitation and counterfeiting of the paper used in the printing of the millions of dollars of small currency the circulation of which Congress was then authorizing.[12] If, as we believe, this was the purpose of the provision quoted, it constitutes an interpretation by Congress of its own legislation which leaves no doubt that Congress intended that the penal provisions should cover not

[11] This provision originated with the Senate Committee on Finance after Bill No. H. R. 659, 37th Cong., 3d Session, had been printed, twice read and referred to it. The original rider in handwriting attached to the bill by this Committee, which Congress subsequently passed in the identical words, is preserved in the files of the National Archives of the United States.

[12] By the Act of March 3, 1863, in which the provision appears, Congress authorized the issuance of $50,000,000 in fractional currency. (12 Stat. 711.)

only that paper which the Government would use in the printing of its obligations but also imitations and counterfeits of that paper.

The penal provisions employed in the earlier legislation were rephrased in Section 11 of the Act of June 30, 1864, (*infra,* p. 53), so as to read as they now appear in the instant provisions. A comparison of the language employed in the earlier legislation with that of the Act of 1864, however, makes it clear that Congress had no intention of narrowing the scope of the legislation, as interpreted by the Act of 1863, so as to exclude imitations and counterfeits of the distinctive Government paper.

In the earlier legislation the language employed was "any paper adapted to the making of such notes [bonds, coupons, or other securities], and similar to the paper upon which any such notes [bonds, coupons, or other securities] shall have been issued."[13] This provision was simply more conveniently and succinctly expressed in the Act of June 30, 1864, by the employment of the words "any similar paper adapted to the making of any such obligation or security."[14] Such a mere rephrasing

[13] See Acts of October 12, 1837, January 28, 1847, December 23, 1857, December 17, 1860, July 17, 1861, February 25, 1862, July 11, 1862, and March 3, 1863; (*infra*, pp. 40–51).

[14] Section 13 of the Act of 1864 (13 Stat. 222) defined "obligation or other security" as including "all bonds, coupons, national currency, United States notes, treasury notes, fractional notes * * * of whatever denomination, which have been or may be issued under any act of Congress."

of the language of the earlier penal provisions cannot, we submit, be regarded as a restriction or limitation of the scope of the legislation as theretofore announced by Congress itself.

Any view that Congress intended by the Act of 1864 to narrow the scope of the earlier penal provisions fails to take account of the fact that that Act was passed during the Civil War when Congress for the first time authorized the issuance of paper as legal tender or lawful money. (First Legal Tender Act of February 25, 1862, c. 33, 12 Stat. 345.) Prior to the First Legal Tender Act the Treasury Department had in its entire history issued less than $300,000,000 in Treasury notes.[15] These notes were in large denominations and were not in general circulation. However, in a two-year period during the Civil War, Congress authorized the issuance of Government paper in a sum approximating $3,000,000,000, including hundreds of millions of dollars in greenbacks and fractional currency, which were

[15] Act of June 30, 1812, c. 111, 2 Stat. 766, Act of February 25, 1813, c. 27, 2 Stat. 801; Act of March 4, 1814, c. 18, 3 Stat. 100; Act of December 26, 1814, c. 17, 3 Stat. 161; Act of February 24, 1815, c. 56, 3 Stat. 213; Act of October 12, 1837, c. 2, 5 Stat. 201; Act of May 21, 1838, c. 82, 5 Stat. 228; Act of March 2, 1839, c. 37, 5 Stat. 323; Act of March 31, 1840, c. 287, 5 Stat. 581; Act of March 3, 1843, c. 81, 5 Stat. 614; Act of July 22, 1846, c. 56, 9 Stat. 39; Act of January 28, 1847, c. 5, 9 Stat. 118; Act of December 23, 1857, c. 1, 11 Stat. 257; Act of December 17, 1860, c. 1, 12 Stat. 121; Act of July 17, 1861, c. 5, 12 Stat. 259; Act of February 12, 1862, c. 20, 12 Stat. 338; Cf. House of Representatives Report No. 150, p. 8, 43d Cong. 2nd Session.

circulated generally.[16] It is obvious that the issuance of this vast amount of paper obligations and paper money increased the incentive to engage in counterfeiting. As a result of this situation Congress, as early as July 11, 1862 (c. 142, Sec. 5, 12 Stat. 533), authorized, for the purpose of combating the counterfeiting of its paper obligations, the use of a part of an appropriation of $10,000 previously made to apprehend coin counterfeiters. And on July 2, 1864 (c. 210, Sec. 3, 13 Stat. 351), only two days after the passage of the Act of June 30, 1864, which rephrased the penal provisions in the form in which they now appear, Congress appropriated the sum of $100,000 for the purpose of meeting the expenses of detecting persons engaged in counterfeiting treasury notes, bonds and other securities, including greenbacks and fractional currency. To carry out these provisions the Secret Service Division of the Treasury Department was organized in 1865.[17]

In further support of the view that Congress, in rephrasing the penal provisions in the Act of 1864,

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[16] Act of February 25, 1862, c. 33, 12 Stat. 345; Act of March 1, 1862, c. 35, 12 Stat. 352; Act of March 17, 1862, c. 45, 12 Stat. 370; Act of July 11, 1862, c. 142, 12 Stat. 532; Act of March 3, 1863, c. 73, 12 Stat. 709; Act of March 3, 1864, c. 17, 13 Stat. 13; Act of June 30, 1864, c. 172, 13 Stat. 218.

[17] The United States Government (p. 66), by George M. Lamphere, published January 19, 1880, by J. P. Lippincott and Company, Philadelphia, Pennsylvania. Senate Report 307, Part 2, p. 61, 50th Cong. 1st Session.

did not intend to narrow the scope of those provisions, several other changes should be pointed out. All of the penal provisions in prior Acts required that the paper be possessed with the intent that it be used in counterfeiting.[18] The Act of 1864, however, eliminated the requirement of *mens rea* and thus gave the Government another weapon in its effort to eradicate counterfeiting by making prosecutions easier through the removal of the difficulties usually incident to proof of criminal intent (Cf. 50 Harvard Law Review 618). It is also significant that at the time Congress first authorized the issuance of paper to be used as lawful money or legal tender it increased the maximum term of imprisonment which could be imposed for violation of the penal provisions from ten to fifteen years.[19] And about ten years after the passage of the Act of 1864, when the provisions were incorporated into the Revised Statutes as Section 5430 (*infra,* pp. 55–56), the word "control" was substituted for "custody," thus making it possible to include responsible principals who theretofore could not have been reached because they did not have technical custody or possession of the prohibited paper.

It is thus apparent from the legislative history, we believe, that the court below and the Circuit Court of Appeals for the Second Circuit in the

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[18] See Acts of October 12, 1837, January 28, 1847, December 23, 1857, December 17, 1860, July 17, 1861, February 25, 1862, July 11, 1862, and March 3, 1863 (*infra*, pp. 40–51).

[19] Act of February 25, 1862, *infra*, p. 49.

Krakowski case, in holding that the provisions in question were confined to the distinctive Government paper, misapprehended the intent of Congress.

It is also apparent, we submit, that the decisions in the *Krakowski* and the instant cases have so restricted the reach of those provisions, obviously designed to combat counterfeiting in its earliest stages, as to make the provisions practically valueless from such a standpoint. Since counterfeit money is not ordinarily made upon the distinctive Government paper (R. 53), it would follow, if those decisions prevailed, that convictions of counterfeiters would be well nigh impossible unless the evidence disclosed the consummation of some step in the counterfeiting process subsequent to the possession of the prohibited paper. It is fair to assume that Congress was cognizant of the difficulties inherent in the obtaining of the distinctive Government paper for counterfeiting purposes and was likewise cognizant that counterfeiters almost never make their counterfeits on such paper. It is further fair to assume that Congress knew that paper having a close resemblance to the distinctive paper was ordinarily the first prerequisite of a successful counterfeiting operation. If Congress had desired to prohibit only the unauthorized control and possession of the distinctive Government paper it would undoubtedly have used clearer and more direct language to reach that object than

the phrase "any similar paper adapted to the making of any such obligation or other security." We submit that in view of the Congressional intent, as manifested by the legislative history of the instant provisions, the words "any similar paper adapted to the making of any such obligation or other security" should not be construed as restricted to the distinctive Government paper.

3. The construction for which we contend not only accords with the intent of Congress but gives proper meaning to the language employed. The court below reached the conclusion that the word "similar" must be stricken from the phrase "any similar paper adapted to the making of any such obligation or other security." The construction for which we contend, while giving the word "similar" its accepted meaning, does not require any unnatural or forced construction of the language "adapted to the making of any such obligation or other security." On the contrary, this phrase has a legitimate function and permissible operation only if the word "similar" is given its acknowledged meaning and significance, because the phrase thus prevents the word "similar" from being unnecessarily broad and indefinite.

Congress undoubtedly intended to supply this modifying language[20] in order that a standard should be created which would guide a jury in de-

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[20] Cf. Murray's New English Dictionary, Vol. 1, p. 101 (1881); The Oxford English Dictionary, Vol. 1, p. 101 (1933); *Commonwealth* v. *Kent*, 47 Mass. 221.

termining whether a paper possesses that degree of similarity to the distinct Government paper that an ordinary individual would, because of such similarity, be led to believe that a counterfeit made upon such paper is a genuine obligation of the United States. Such a standard is analogous to that supplied by the word "similitude" appearing in other counterfeiting provisions of Section 150. In *United States* v. *Fitzgerald,* 91 Fed. 374, 375 (D. Wash.) it was stated of the word "similitude":

> Now, the similitude must be in such a degree as to furnish a resemblance so near to the government obligations or securities that it could be used to deceive a person of ordinary intelligence, who is acting with ordinary care, in a business transaction.[21]

Applying such a standard to paper, other than the distinctive Government paper, covered by the instant provisions, a conviction is warranted only if the jury should find that by reason of its characteristics the paper so resembles the distinctive paper that an ordinary individual would, because of such resemblance, be led to believe that a counterfeit made upon it is a genuine obligation of the United States. Such a test furnishes a practical

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[21] In addition see *Minnella* v. *United States*, 44 F. (2d) 48; *United States* v. *Weber*, 210 Fed. 974, 976 (W. D. Wash.); *United States* v. *Sprague*, 48 Fed. 828, 829 (E. D. Wis.). See also *Greenleaf* v. *Goodrich*, 101 U. S. 278, 283.

standard [22] and brings that standard into harmony with that applied in respect of other provisions of the same section. Moreover, this standard not only does not require any distortion of the provisions in question but enables the Congressional intent, as manifested by the legislative history, to be carried into effect.

The court below, we submit, also misconstrued the purpose of the phrase "except under the authority of the Secretary of the Treasury or some other proper officer of the United States." The court said that this phrase required the conclusion that the provisions in question covered only distinctive Government paper because "No one would have occasion to request or receive authority from such public officials to possess any paper unless it were the genuine paper of the government" (R. 108). As we have heretofore pointed out at p. 26, *supra,* prior to the Act of June 30, 1864, the

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[22] In *Minnella* v. *United States*, 44 F. (2d) 48, 49 (C. C. A. 8th), *supra*, the court, after stating that "such similitude existed if it is calculated to deceive an honest, sensible and unsuspecting man of ordinary observation and care in his dealings with the ordinary citizen with whom he has transactions" said "This is certainly sufficient under the statute if the statute is to have any practical meaning or effect. Any other construction would mean that, unless a counterfeit was perfect, it would not be in similitude. Of course the governmen has taken all the steps which ingenuity and experience could suggest to make it impossible or difficult to exactly simulate its printed money. It is not to be expected that counterfeiters can do their work so perfectly as the government, nor are they required so to do to be punishable under these statutes."

Government was required, in order to secure a conviction, to establish that the prohibited paper was possessed with the intent that it be used in counterfeiting. By the Act of June 30, 1864, Congress, however, deleted the requirement of *mens rea*, causing a presumption of guilt to arise from the bare custody or possession of the prohibited paper. Upon the defendant was placed the burden of explaining or justifying such possession. He, of course, is in a better position than the Government to explain how he came by the paper. An analogous provision is found in the Federal statute prohibiting the unlawful importation and concealment of smoking opium. See *Yee Hem* v. *United States*, 268 U. S. 178. The language upon which the court below relied was inserted in the instant provisions for the purpose of declaring the only evidence capable of rebutting this presumption and has, we submit, no bearing upon the reach of the statutory provisions involved.[23]

4. In view of the improbability of any person possessing the distinctive paper without proper authority and in view of the fact that counterfeits are almost never made on distinctive Government paper, it follows that the purposes underlying the provisions of Section 150 of the Criminal Code require that the instant provisions be construed to

[23] Cf. similar exceptions relative to counterfeits and counterfeiting in Section 172 of the Criminal Code (U. S. C., Title 18, Sec. 286) and in other provisions of Section 150 of the Criminal Code.

include any paper which, by reason of its characteristics, so resembles the distinctive Government paper that an ordinary individual, because of such resemblance, would be led to believe that a counterfeit made upon such paper is a genuine obligation of the United States. The other provisions of Section 150 of the Criminal Code, which prohibit the unauthorized printing from genuine plates, the unauthorized engraving of any print in the likeness of a genuine plate, the unauthorized making of any plate in the similitude of any genuine plate, the unauthorized possession of any paper printed in the similitude of genuine notes and, finally, the unauthorized making or importation of any photograph of a genuine note, are all provisions directed against the making or possession of implements and materials which may be utilized in counterfeiting. Since the distinctive paper is seldom used in making counterfeits, the instant provisions, if the construction of the court below were to prevail, would be practically valueless in combating counterfeiting, and as this was the purpose of these and the other provisions of Section 150, the will of Congress would be vitiated. The holding by the court below, we submit, rejects "that sense of the words which best harmonizes with the context and the end in view." *Gooch* v. *United States,* 297 U. S. 124, 128.

Respondents make the point in their brief in opposition to the petition for writ of certiorari

(pp. 9–11) that there was a Congressional acceptance of the construction given the penal provisions in question by the Circuit Court of Appeals for the Second Circuit in the *Krakowski* decision, rendered on March 10, 1908, because of the inclusion of those provisions, without change, in both Section 150 of the Criminal Code, approved March 4, 1909, and the United States Code (Title 18, Sec. 264), approved June 30, 1926.

The United States Code is, of course, of no avail to the respondents because, as was pointed out in Section 2a of the statute enacting the Code (c. 712, 44 Stat. 777)—

> The matter set forth in the Code * * * shall establish prima facia the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925; *but nothing in this Act shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the Code.* * * * [Italics ours.]

So far as the Criminal Code is concerned attention is directed to the fact that the Special Joint Congressional Committee on the Revision of Laws, which was entrusted with the codification of the criminal laws of the United States, rendered its final report to the House of Representatives on January 6, 1908, and to the Senate on January 7, 1908 (House Report No. 2, Pt. 1, 60th Cong. 1st

Sess. P. 1; Senate Report No. 10, Pt. 1, 60th Cong. 1st Sess. P. 1),[24] which was two months prior to the rendition of the *Krakowski* decision. Not only was that Committee unaware of the *Krakowski* decision, but it may be further pointed out that while Congress was considering the report of the Joint Congressional Committee there was a possibility of review of the *Krakowski* decision by this Court, which, of course, would have made action by Congress inadvisable. At the time the *Krakowski* decision was rendered the Government had one year within which to apply to this Court for a writ of certiorari,[25] and this period did not expire until March 10, 1909, six days after the approval of the Criminal Code. It is therefore evident that the action of Congress in incorporating the penal pro-

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[24] The only changes made by the Joint Congressional Joint Committee in the penal provisions as they appeared in Section 5430 of the Revised Statutes was the substitution of the words "whoever shall have or retain" in place of the words "every person * * * who has or retains" and the elimination of the words "at hard labor." The Committee explained these changes, which were applicable to all sections in the Criminal Code, as follows (p. 5): "The substitution of 'whoever' for 'every person who' is made simply to secure uniformity in style. * * * the words 'at hard labor' have been omitted pursuant to a policy approved by the Committee."

[25] See Sec. 6 of the Act of March 3, 1891, c. 517, 26 Stat. 826, 828, establishing the Circuit Courts of Appeals; *The Conqueror*, 166 U. S. 110, 114; and Historical Note to U. S. C. A., Title 28, Sec. 350.

visions involved in the Criminal Code, without substantial change, cannot be deemed as an acceptance by that body of the construction given those provisions by the *Krakowski* decision.

The respondents in their brief in opposition also make the point (pp. 8–9) that there has been an acceptance by the Executive Departments of the construction given by the *Krakowski* decision to the penal provisions involved. The respondents point to nothing affirmative to establish any such proposition, but merely rest their contention upon the assertion that, prior to the instant case, the Government during the 28 years which had elapsed since the *Krakowski* decision made no effort to overcome the effect of that decision. While it is impossible to determine at this time why a writ of certiorari was not applied for by the Government in the *Krakowski* case, it may be pointed out that since that decision the Government has in several cases prosecuted the possessors of imitations and counterfeits of the distinctive Government paper. These cases have never reached an appellate court, because the defendants either pleaded guilty [26] or were found guilty [27] and did not appeal.

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[26] *United States* v. *Rosen* (W. D. Tex.), February 14, 1931.

[27] *United States* v. *Regsich and Grubich* (W. D. Pa.), December 16, 1920; *United States* v. *Marchetti* (N. D. Ohio), June 18, 1924; *United States* v. *Maratea and Plocket* (E. D. Pa.), January 21, 1932.

CONCLUSION

For the reasons stated, it is respectfully submitted that the judgments of the Circuit Court of Appeals should be reversed.

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NOVEMBER, 1937.

APPENDIX

LEGISLATIVE HISTORY OF STATUTORY PROVISIONS INVOLVED

Act of April 30, 1790, c. 9, Section 14, 1 Stat. 115:

> SEC. 14. *And be it (further) enacted,* That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited, and shall be thereof convicted, every such person shall suffer death.

Act of June 30, 1812, c. 111, Sec. 10, 2 Stat. 766, 768:

> *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any note in imitation of or purporting to be a treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely

altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered; every such person shall be deemed and adjudged guilty of felony, and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Act of February 25, 1813, c. 27, Sec. 12, 2 Stat. 801, 803:

And be it further enacted, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note in imitation of, or purporting to be, a treasury note aforesaid; or shall falsely alter, or cause, or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any false, forged, or counterfeit note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered treasury note is-

sued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Act of March 4, 1814, c. 18, Sec. 12, 3 Stat. 100, 102:

And be it further enacted, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note, in imitation of, or purporting to be, a treasury note as aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note, issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Act of December 26, 1814, c. 17, Sec. 6, 3 Stat. 161, 162, 163:

> *And be it further enacted,* That if any person shall with intent to injure or defraud the United States, or any person or corporation, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note, in imitation of, or purporting to be, a treasury note, or shall falsely alter, or cause or procure to be falsely altered, or wilfully aid or assist in falsely altering any treasury note issued by virtue of this act, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned for a period not less than three years, nor more than ten years, or imprisoned and kept to hard labor for a period not less than three years, nor more than ten years; and in either case be fined in a sum not exceeding five thousand dollars.

Act of February 24, 1815, c. 56, Sec. 11, 3 Stat. 213, 215, 216:

> *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or

assist in falsely making, forging or counterfeiting any note, in imitation of, or purporting to be, a treasury note as aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited: or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered treasury note issued as aforesaid, knowing the same to be falsely altered, or shall be, directly or indirectly, knowingly concerned in any of the offences aforesaid, every such person shall be deemed and adjudged guilty of felony; and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour, for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Act of October 12, 1837, c. 2, Secs. 10, 11, 5 Stat. 201, 203:

SEC. 10. *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note, in imitation of, or purporting to be, a treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true,

any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labour, for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

SEC. 11. *And be it further enacted,* That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any metallic plate, engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate, or to cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; *or shall have in his custody or possession any paper adapted to the making of notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid;* every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to

hard labour, for a term not less than three nor more than ten years, and be fined in a sum not exceeding five thousand dollars. [Italics ours.]

Act of January 28, 1847, c. 5, Secs. 9, 10, 9 Stat. 118, 120:

SEC. 9. *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be, a treasury note aforesaid, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any treasury note issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish as true, any falsely altered treasury note issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three years nor more than ten years, and to be fined in a sum not exceeding five thousand dollars.

SEC. 10. *And be it further enacted,* That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any metallic plate engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with in-

tent to use such plate, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, *or shall have in his custody or possession any paper adapted to the making of notes and similar to the paper upon which any such notes shall have been issued, with intent to use such paper or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid,* every such person being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, for a term not less than three nor more than ten years, and fined in a sum not exceeding five thousand dollars. [Italics ours.]

Act of December 23, 1857, c. 1, Secs. 12, 13, 11 Stat. 257, 259:

SEC. 12. *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of or purporting to be a treasury note, issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any

treasury note issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony; and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years nor more than ten years, and to be fined in a sum not exceeding five thousand dollars.

SEC. 13. *And be it further enacted,* That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody and possession any metallic plate engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, *or shall have in his custody or possession any paper adapted to the making of such notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid;* every such person, being thereof, convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than three nor more than ten years, and fined in a sum not ex-

ceeding five thousand dollars. [Italics ours.]

Act of December 17, 1860, c. 1, Secs. 12, 13, 12 Stat. 123.

SEC. 12. *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be, a treasury note, issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note, issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years nor more than ten years, and to be fined in a sum not exceeding five thousand dollars.

SEC. 13. *And be it further enacted,* That if any person shall make, or engrave, or cause or procure to be made or engraved, or shall have in his custody and possession any metallic plate engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate, or cause or suffer the

same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possesion any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or *shall have in his custody or possession any paper adapted to the making of such notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid,* every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than three nor more than ten years, and fined in a sum not exceeding five thousand dollars. [Italics ours.]

Act of July 17, 1861, c. 5, Sec. 10, 12 Stat. 259, 261.

SEC. 10. *And be it further enacted,* That all the provisions of the act entitled "An act to authorize the issue of treasury notes," approved the twenty-third day of December, eighteen hundred and fifty-seven, so far as the same can or may be applied to the provisions of this act, and not inconsistent therewith, are hereby revived or re-enacted.

Act of February 25, 1862, c. 33, Secs. 6, 7, 12 Stat. 345, 347, 348:

SEC. 6. *And be it further enacted,* That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or shall willingly aid or

assist in falsely making, forging, counterfeiting, or altering, any note, bond, coupon, or other security issued under the authority of this act, or heretofore issued under acts to authorize the issue of treasury notes or bonds; or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States from any foreign place with intent to pass, utter, publish, or sell, or shall have or keep in possession or conceal, with intent to utter, publish, or sell, any such false, forged, counterfeited, or altered note, bond, coupon, or other security, with intent to defraud any body corporate or politic, or any other person or persons whatsoever, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor not exceeding fifteen years, according to the aggravation of the offense.

SEC. 7. *And be it further enacted*, That if any person, having the custody of any plate or plates from which any notes, bonds, coupons, or other securities mentioned in this act, or any part thereof, shall have been printed, or which shall have been prepared for the purpose of printing any such notes, bonds, coupons, or other securities, or any part thereof, shall use such plate or plates, or knowingly permit the same to be used for the purpose of printing any notes, bonds, coupons, or other securities, or any part thereof, except such as shall be printed for the use of the United States by order of the proper officer thereof; or if any person shall engrave, or cause or procure to be engraved, or shall aid in engraving, any plate or plates in the likeness or similitude of any plate or

plates designed for the printing of any such notes, bonds, coupons, or other securities, or any part thereof, or shall vend or sell any such plate or plates, or shall bring into the United States from any foreign place any such plate or plates, with any other intent or for any purpose, in either case, than that such plate or plates shall be used for printing of such notes, bonds, coupons, or other securities, or some part or parts thereof, for the use of the United States, or shall have in his custody or possession any metallic plate engraved after the similtude of any plate from which any such notes, bonds, coupons, or other securities, or any part or parts thereof, shall have been printed, with intent to use such plate or plates, or cause or suffer the same to be used, in forging or counterfeiting any such notes, bonds, coupons, or other securities, or any part or parts thereof, issued as aforesaid, or shall have in his custody or possession any blank note or notes, bond or bonds, coupon or coupons, or other security or securities, engraved and printed after the similitude of any notes, bonds, coupons, or other securities, issued as aforesaid, with intent to sell or otherwise use the same; or if any person shall print, photograph, or in any other manner execute or cause to be printed, photographed, or in any manner executed, or shall aid in printing, photographing, or executing any engraving, photograph, or other print, or impression, in the likeness or similitude of any such notes, bonds, coupons, or other securities, or any part or parts thereof, except for the use of the United States and by order of the proper officer thereof, or shall vend or sell any such engraving, photograph, print, or other impression, ex-

cept to the United States, or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression for the purpose of vending or selling the same, except by the direction of some proper officer of the United States, *or shall have in his custody or possession any paper adapted to the making of such notes, bonds, coupons, or other securities, and similar to the paper upon which any such notes, bonds, coupons, or other securities shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes, bonds, coupons, or other securities, issued as aforesaid,* every such person so offending shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor not exceeding fifteen years, according to the aggravation of the offence. [Italics ours.]

Act of July 11, 1862, c. 142, Secs. 5, 6, 12 Stat. 532, 533:

SEC. 5. *And be it further enacted,* That any part of the appropriation of ten thousand dollars for the detection and bringing to trial of persons engaged in counterfeiting the coin of the United States, made by the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the government for the year ending thirtieth of June, eighteen hundred and sixty-one," approved June twenty-three, eighteen hundred and sixty, may be applied in detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, or other se-

curities of the United States, as well as the coin of the United States. And to carry into effect the preceding sections of this act the sum of three hundred thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated.

SEC. 6. *And be it further enacted,* That all the provisions of the act entitled "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States;" approved February twenty-five, eighteen hundred and sixty-two, so far as the same can or may be applied to the provisions of this act, and not inconsistent therewith, shall apply to the notes hereby authorized to be issued.

Act of March 3, 1863, c. 73, Sec. 8, 12 Stat. 709, 713:

SEC. 8. *And be it further enacted,* That, in order to prevent and punish counterfeiting and fraudulent alterations of the bonds, notes, and fractional currency authorized to be issued by this act, all the provisions of the sixth and seventh sections of the act entitled "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February twenty-fifth, eighteen hundred and sixty-two, shall, so far as applicable, apply to the bonds, notes, and fractional currency hereby authorized to be issued, in like manner as if the said sixth and seventh sections were hereby adopted as additional sections of this act. And the provisions and penalties of said sixth and seventh sections *shall extend and apply to all persons who shall imitate, counterfeit, make,*

or sell any paper such as that used, or provided to be used, for the fractional notes prepared, or to be prepared, in the treasury department building, and to all officials of the treasury department engaged in engraving and preparing the bonds, notes, and fractional currency hereby authorized to be issued, and to all official and unofficial persons in any manner employed under the provisions of this act. And the sum of six hundred thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry this act into effect. [Italics ours.]

Act of June 30, 1864, c. 172, Secs. 10, 11, 12, 13 Stat. 218, 221, 222:

SEC. 10. *And be it further enacted,* That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, any obligation or security of the United States, or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States from any foreign place with intent to pass, utter, publish, or sell, or shall have or keep in possession, or conceal, with intent to utter, publish, or sell, any such false, forged, counterfeited, or altered obligation, or other security, with intent to deceive or defraud, or shall knowingly aid or assist in any of the acts aforesaid, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement at hard labor not exceeding fifteen years, according to the aggravation of the offense.

SEC. 11. *And be it further enacted,* That if any person having control, custody, or possession of any plate or plates from which any obligation or other security, or any part thereof, shall have been printed, or which may have been prepared by direction from the Secretary of the Treasury, for the purpose of printing any such obligation or other security, or any part thereof, shall use such plate or plates, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except such as shall be printed for the use of the United States, by order of the proper officer thereof; or if any person shall engrave, or cause or procure to be engraved, or shall aid or assist in engraving any plate or plates in the likeness or similitude of any plate or plates designed for the printing of any such obligation or other security, or any part thereof, or shall vend or sell any such plate or plates, or shall bring into the United States from any foreign place any such plate or plates, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, or for any other purpose, in either case, than that such plate or plates shall be used for the printing of such notes, bonds, coupons, or other obligations or securities, or some part or parts thereof, for the use of the United States, or shall have in his control, custody, or possession, any metallic plate engraved after the similitude of any plate from which any such obligation or other security, or any part or parts thereof, shall have been printed, with intent to use such plate or plates, or cause or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any

part or parts thereof, or shall have in his custody or possession, except under authority from the Secretary of the Treasury, or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or if any person shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, or in any manner made or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, or other print or impression in the likeness or similitude of any obligation or other security, or any part or parts thereof, or shall vend or sell any such engraving, photograph, print, or other impression, except to the United States, or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression, except by the direction of some proper officer of the United States, *or shall have or retain in his custody or possession, after a distinctive paper shall have been adopted by the Secretary of the Treasury for obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under authority of the Secretary of the Treasury, or some other proper officer of the United States,* every person so offending shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, or by imprisonment and confinement at hard labor, not exceeding fifteen years, or by both, in the discretion of the court. [Italics ours.]

SEC. 12. *And be it further enacted,* That if any person shall have or retain in his or her custody, possession, or control, without the written authority or warrant of the Secretary of the Treasury, or of the comptroller of the currency, approved by the Secretary of the Treasury, any engraved or transferred plate, block, or electrotype, or any die, roll, or other original work used in making or preparing any plate, block, or electrotype, or any plate, block, or electrotype prepared or made after the similitude of any plate, block, or electrotype, from which any obligation or other security authorized to be issued by any act of congress, or any part thereof, has been, or may hereafter be, printed, or shall use, or cause, or knowingly suffer, the same to be used, in forging or counterfeiting any such obligation or other security, or shall print, or cause to be printed, any bronzed or gilt letters or devices, or shall print, or cause to be printed, any letters, figures, or devices with green ink, or any green color or pigment, upon any note, bond, or other respresentative of value, intended or adapted to be used as a currency or a circulating medium, every such person, being thereof convicted by due course of law, shall be deemed guilty of felony, and shall be imprisoned and kept at hard labor for a term not more than ten years, and fined in a sum not more than ten thousand dollars: *Provided,* That nothing in this act shall affect any prosecution pending, or any civil or criminal liabilities incurred under any former act: *Provided, further,* That the foregoing provisions of this section shall not be held or construed to deprive any person of the right to retain in his custody and possession and use for any lawful purpose, any engraved or transferred plate, block, or

electrotype, or any die, roll, or other original work as aforesaid, which had been used by him in printing or engraving bank-notes or other obligations, before being used in printing any obligation or other security authorized to be issued by any act of congress; nor shall any of said foregoing provisions be held or construed to prohibit or restrain the lawful use by any person of any ink, color, or pigment, the exclusive right to which has been secured to any such person by letters-patent which are still in force.

Revised Statutes, Section 5430:

Every person having control, custody, or possession of any plate, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, who uses such plate, or knowingly suffers the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of such obligation or other security, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate be used for the printing of the obligations or other securities of the United States; or who has in his control, custody, or possession any metallic plate en-

graved after the similitude of any plate from which any such obligation or other security has been printed, with intent to use such plate, or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or who has in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; and every person who prints, photographs, or in any other manner makes or executes, or causes to be printed, photographed, made, or executed, or aids in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or who sells any such engraving, photograph, print, or impression, except to the United States, or who brings into the United States from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States, or *who has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States,* shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not more than fifteen years, or by both. [Italics ours.]

Act of March 4, 1909 [Criminal Code], c. 321, Secs. 148, 149, 150, 151, 152, 153, 154, 155, 35 Stat. 1088, 1115–1117:

SEC. 148. Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

SEC. 149. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering, any such circulating notes, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be fined not more than one thousand dollars and imprisoned not more than fifteen years.

SEC. 150. Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has

been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, shall use such plate, stone, or other thing, or any part thereof, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or whosoever by any way, art, or means shall make or execute, or cause or procure to be made or executed, or shall assist in making or executing any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or whoever shall sell any such plate, stone, or other thing, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, then that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or whoever shall have in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or whoever shall have in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any

obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or whoever shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, made, or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or shall sell any such engraving, photograph, print, or impression, except to the United States, or shall bring into the United States or any place subject to the jurisdiction thereof, from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States; *or whoever shall have or retain in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States,* shall be fined not more than five thousand dolars, or imprisoned not more than fifteen years or both. [Italics ours.]

SEC. 151. Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like

intent, any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

SEC. 152. Whoever, without authority from the United States, shall take, procure, or make, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bedplate, bedpiece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any kind or description of obligation or other security of the United States now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

SEC. 153. Whoever, with intent to defraud, shall have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or whoever, with intent to defraud, shall sell, give, or deliver any such imprint, stamp, or impression to any other person, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

SEC. 154. Whoever shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any Act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

SEC. 155. Whoever, without authority from the United States, shall secrete within, embezzle, or take and carry away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bedpiece, bedplate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or whoever, without such authority, shall so secrete, embezzle, or take and carry away, any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper,

parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

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